

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG 22 2016

Clerk, U.S. District Court
District Of Montana
Billings

WILLIAM G. BARTLETT and
ELIZABETH K. BARTLETT,

Plaintiffs,

vs.

COUNTRYWIDE HOME LOANS,
INC., FEDERAL NATIONAL
MORTGAGE ASSOCIATION a/k/a
Fannie Mae, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS and BANK OF AMERICA,
N.A.,

Defendants.

CV 16-41-BLG-SPW

ORDER

Before the Court are Plaintiff William and Elizabeth Bartlett's Motion for Extension of Time to File Objections to Findings and Recommendations, (Doc. 15), and United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on June 20, 2016. (Doc. 11). In the Findings and Recommendations, Judge Ostby recommends that this Court deny Plaintiffs' motion for remand and grant Defendants' motion to dismiss. (*Id.*).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. On the fourteenth day, Plaintiffs filed a document that this

Court construed as a motion for extension of time to file objections. (*See gen.* Doc. 14). On July 22, 2016, this Court granted Plaintiffs' motion and afforded them 14 days from the date of the order to file their objections. (*Id.* at 5). Plaintiffs' objections were due on August 5, 2016. (Doc. 14). That deadline came and went and Plaintiffs failed to file any objections or request an additional extension. Nearly three weeks later, Plaintiffs now move for additional time to respond to Defendant's response to Plaintiff's motion for extension of time and reconsideration. (Doc. 15). The Court already ruled on that issue, however. (*See* Doc. 14).

Even construing Plaintiff's motion as a request for extension to file objections, this Court denies the motion. As has been their practice throughout this litigation, Plaintiffs assert that they did not receive the Defendants' response until July 29, 2016. This time they provided the excuses that they were "out of town," and "additional circumstances" delayed their filing. As this Court previously noted, plaintiffs are not relieved of their obligation to comply with the rules and procedures of this court simply because they do not have an attorney to represent them. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Plaintiffs are not excused from complying with this Court's deadlines simply because they were out of town.

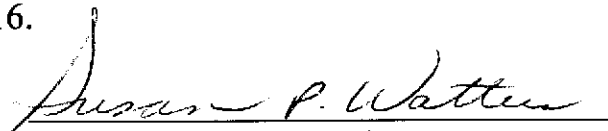
Because neither party timely objected, this Court reviews Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby’s Findings and Recommendations (Doc. 11) are ADOPTED IN FULL.
2. Plaintiff’s Motion to Remand (Docs. 7 and 7-1) is DENIED;
3. Defendants’ Motion to Dismiss (Doc. 5) is GRANTED; and
4. Plaintiff’s Motion to File Out of Time Regarding Defendant’s Response to Plaintiff’s Motion for Extension of Time and Reconsideration is (Doc. 15) is DENIED, as moot.

DATED this 22nd day of August, 2016.


SUSAN P. WATTERS
United States District Judge